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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/574,508	08/28/2008	Metta Boger	095309.57534US	2523

23911 7590 07/07/2010
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EXAMINER

PIPALA, EDWARD J

ART UNIT	PAPER NUMBER
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3663

MAIL DATE	DELIVERY MODE
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07/07/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/574,508	Applicant(s) BOGER ET AL.	
	Examiner EDWARD PIPALA	Art Unit 3663	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 August 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 14-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 14-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 April 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>04/03/06 and 08/28/08</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office action is in response to the application with a filing date of 8/28/08.

Claims 1-13 have been canceled, claims 14-25 are presently pending.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, all of the individual details of subject matter recited in new claims 14-25 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

3. The abstract of the disclosure is objected to because of the phrase “(Single figure)” at the end, which is not part of US practice.

The disclosure is objected to because Applicant has improperly combined the “Background” and “Summary of the Invention” portions of the specification, wherein it is suggested that the “Summary of the Invention” heading be inserted prior to what is presently paragraph [0005] at the top of page 2 of the specification dated 04/03/06. Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 14-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In lines 9-13 of independent claim 14, Applicant first recites “configuring future access” to said groups of at least some of the functions currently activated by user profile, where lines 11-13 then go on to recite that the “current user” defines “which other user he permits access to his individual-related settings or data of the functions in a respective group”. However, with the additional recitation of lines 11-13, it is then not quite clear what is meant by the previous recitation of “configuring future access” in line 9, if “others” are not meant to be included at that time.

In line 3 of claim 15 there is no antecedent basis for "*the* control device", particularly since "*a* control device" is recited in following line 4.

In line 2 of claim 16, Applicant's use of the phrase "by the following, preceding steps" is confusing.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 14-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over EP 0 582 081 A2 in view of DE 199 61 619 (both of which were provided by Applicant).

Applicant's first independent claim 14 recites: a method for personalizing adjustable functions in a vehicle, said method comprising: activating a user profile in the form of stored, individual-related settings or data for implementing vehicle functions for a current user of the vehicle; allocating vehicle functions into groups of vehicle functions which are at least similar in terms of their requirement for personalization or confidentiality; and configuring future access to said groups of at least some of the functions of a currently activated user profile; wherein the current user defines individually, for each of said groups, which other user he permits access to his individual-related settings or data of the functions in a respective group.

The abstract of European published application EP 0 582 081 A2 discloses a personal data recording and reproducing device for use in a vehicle, which allows each individual driver or each group to exclusively recording and reproducing own personal data and also to easily and selectively reading-out only own personal data, where the device recognizes an input identification of an individual person or a group, store input information with reference to the

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recognized identification in case of data input request and reads out and outputs a stored information with reference to the recognized identification in case of data output request.

However, while EP 0 582 081 A2 discloses both individual users/persons, as well as groups, it is not clear whether a current user is allowed to permit access to his or her individual-related function settings or data to, within a group of vehicle functions, others in a group of other users.

German published application DE 199 61 619 additionally teaches personalizing of settings of variable devices in a motor vehicle which has or facilitates storing and matching data for a vehicle with device characteristics attributed to the person sitting in the vehicle, and that this is performed by suitable devices which establish which individual or group of individuals matches the functions, mannerisms, or “rights” of these persons.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have implemented the teaching of assigning “rights” or permissions as taught by DE 199 61 619, within the context of EP 0 582 081 A2, since both are directed to storing of personal data for controlling functions of a vehicle as well as recognition of individual users or operators with respect to operation of different functions of a vehicle which may have individual or group associations.

With respect to dependent claims 15-24 relating to activation of default users, user numbers, passwords, identification by vehicle key and/or assigning storage capacity associated therewith, please particularly see EP 0 582 081 A2 with respect to input and storage of individual or group identification and recognition requests, where column 1 of page 2 teaches storage of personal information including a driver's home address and private information such as phone numbers, where col. 2, lines 28-58 teach the use of a data memory

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unit, display, issuance of a variety of messages, the use of passwords, and checking access to private and group data through the use of said password (or other means of identification such as face recognition and fingerprints).

With respect to independent claim 25 reciting a computer readable medium having a computer program for performing the steps of personalizing adjustable functions, please note that figure 2 of EP 0 582 081 A2 shows a flowchart for a program that correlates passwords with data access, and that it is well within the skill of one in the art to functionally enable the use of the above combination of EP 0 582 081 A2 in view of DE 199 61 619 through the use of computer readable media embedded in a vehicle.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to EDWARD PIPALA whose telephone number is (571)272-1360. The examiner can normally be reached on M-F 9:30 - 6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Keith can be reached on 571-272-6878. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

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system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Edward Pipala/
Examiner, Art Unit 3663